

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ROBINSON,

Plaintiff,

v.

Case Number 16-10264

Honorable David M. Lawson

Magistrate Judge Stephanie Dawkins Davis

DEANGELO, EVANS, MARY PARSON,
MITCHELL SOLOMON, HANNA SAAD,
CHARLES CAPICCHIONI, JOSEPH
LIBBY, THOMAS BEHRMANN, WHITNEY
WRIGHT, MICHAEL BENNETT, JOHN
MACARI, RICHARD IPEMUDIA, YEE,
DAVID DAWDY, GAZDECKI, ROSEN,
and JOHN DOE,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT,
AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

This matter is before the Court on the report issued on January 26, 2017 by Magistrate Judge Stephanie Dawkins Davis pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motions for summary judgment and dismiss the complaint without prejudice, on the ground that the plaintiff *pro se* prisoner failed to exhaust available administrative remedies before initiating this lawsuit. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #54] is **ADOPTED**.

It is further **ORDERED** that the defendants' motions for summary judgment [dkt. #29, 51] are **GRANTED**, and the complaint is **DISMISSED** without prejudice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 24, 2017

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 24, 2017.

s/Susan Pinkowski
SUSAN PINKOWSKI